

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Johnny Bennett

Petitioner

v.

Bryan P. Stirling, Commissioner, South Carolina

Department of Corrections; Joseph McFadden,

Warden, Lieber Correctional Institution

Respondents

Civil Action No. 2:13-cv-03191-RMG

JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* _____ recover from the defendant *(name)* _____ the amount of _____ dollars (\$ __), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* _____ recover costs from the plaintiff *(name)* _____.

☒ other: summary judgment is entered in favor of Petitioner, Johnny Bennett, on Grounds One and Two of the petition. The Court grants a writ of habeas corpus vacating Petitioner's death sentence pursuant to 28 U.S.C. § 2254. Petitioner shall be unconditionally released from the sentence of death entered by the Lexington County Court of General Sessions on July 16, 2000 unless, within 180 days, the State of South Carolina resentsences Petitioner.

☒ other: IT IS FURTHER ORDERED that summary judgment is entered in favor of Respondents, Bryan P. Stirling and Joseph McFadden, on Grounds Three, Four, Five, Six, and Seven of the petition. Petitioner, Johnny Bennett, shall take nothing of Respondents as to Grounds Three, Four, Five, Six, and Seven of the petition filed pursuant to 28 U.S.C. § 2254 and the petition is dismissed as to those grounds.

This action was *(check one)*:

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Richard M. Gergel, United States District Judge, presiding. The Court having adopted in part the Report and Recommendation set forth by the Honorable Mary Gordon Baker, United States Magistrate Judge.

Date: March 17, 2016

ROBIN L. BLUME, CLERK OF COURT

s/S. Samsa

Signature of Clerk or Deputy Clerk